

1 The opinion in support of the decision being
2 entered today is not binding precedent of the board.
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5 Filed by:
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7 Merits Panel
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14 UNITED STATES PATENT AND TRADEMARK OFFICE
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16
17 BEFORE THE BOARD OF PATENT APPEALS
18 AND INTERFERENCES
19 (Senior Administrative Patent Judge McKelvey)
20
21
22 ARTHUR A. BRANSTROM, DONATA R. SIZEMORE
23 and JERALD C. SADOFF,
24
25 Junior Party
26 (Application 09/512,810),
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28 v.
29
30 ROBERT J. POWELL, GEORGE K. LEWIS
31 and DAVID M. HONE,
32
33 Senior Party
34 (Patent 5,877,159).
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37 Patent Interference 105,428 (McK)
38 Technology Center 1600
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40
41 Before: McKELVEY, Senior Administrative Patent Judge, and MEDLEY
42 and MOORE, Administrative Patent Judges.
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45 McKELVEY, Senior Administrative Patent Judge.
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47
48 **FINAL JUDGMENT**
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50 Upon consideration of BRANSTROM'S NOTICE OF NO RESPONSE TO
51 SHOW CAUSE ORDER (Paper 21), it is

1 ORDERED that judgment on priority as to Count 1 and
2 Count 2, the only counts in the interference, is awarded
3 against junior party ARTHUR A. BRANSTROM, DONATA R. SIZEMORE and
4 JERALD C. SADOFF.

5 FURTHER ORDERED that junior party ARTHUR A. BRANSTROM,
6 DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a
7 patent containing claims 45-52 (corresponding to Count 1) of
8 application 09/512,810.

9 FURTHER ORDERED that junior party ARTHUR A. BRANSTROM,
10 DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a
11 patent containing claims 53-59 (corresponding to Count 2) of
12 application 09/512,810.

13 FURTHER ORDERED that a copy of this paper shall be made
14 of record in files of application 09/512,810 and U.S. Patent
15 5,877,159.

16 FURTHER ORDERED that if there is a settlement
17 agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR
18 § 1.661.

19 /ss/ Fred E. McKelvey)
20 FRED E. MCKELVEY, Senior)
21 Administrative Patent Judge)
22)
23)
24)
25 /ss/ Sally C. Medley)
26 SALLY C. MEDLEY)
27 Administrative Patent Judge)
28)
29)
30 /ss/ James T. Moore)
31 JAMES T. MOORE)
32 Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES

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